

REMARKS

Claims 1 through 7 and 11 are rejected under Section 102(b) as anticipated by, or in the alternative, under Section 103(a) as obvious over Kositzky.

The Examiner misinterprets Kositzky.

On page 3, middle paragraph of the Official Action, the Examiner states that Column 5, line 4+ states slots 76 "are located in all or substantially all of the transition areas 36 between adjacent colored areas" which is true. The Examiner goes on to say "...which would have been reasonably interpreted to mean cutting of a slot of any width in intermediate regions to remove it for aesthetic purposes, the reference not limiting removal of a specific width, and the term "all" meaning the entire width of the intermediate color transition region". That is a misinterpretation of the text of Kositzky. Note that Kositzky states that "the slots 76 are located in all or substantially all of the transition **areas** 36 between adjacent colored areas". Kositzky does not state that the slots occupy all of any given transition area; merely that the slots appear in each of the areas 36 (emphasis added). Any mis-reading of this clear text of Kositzky to the effect that the entirety of any given transition area is removed in Kositzky is a mis-reading that is contrary to the teachings of Kositzky.

Kositzky goes on to state (Column 5, lines 17-18) "...remove **the part** of the transition area where the two blends are approximately equal." (emphasis added).

Again, in Column 5, lines 26-29 Kositzky states that "...it will remove **portions** of the transition area 36 where the granules from each blend 26a", 26b" have approximately a 50:50 ratio (as indicated by point 80 in Fig. 4). (emphasis added).

Again, Kositzky goes on to say in Column 5 lines 29+ that "...the **portion** 36a of the transition area to the left of the left hand slot 76 in Fig. 7 will be predominantly" determined by the color of blend 26a", while **the portion** 36b of the transition area to the right of the left hand slot 76 will be largely determined by the color of blend 26b". (emphasis added).

Kositzky continues to go on to say:

The portions 36a, 36b of the transition area which remain after the slot has been cut will not be noticed by the eye, because of the presence of the slot 76.

Again, Koscitzky is clearly stating that there will be portions of the transition area that are **not** removed.

Thus, over and over and over again Koscitzky emphasizes that it is only a portion of each transition area that is removed.

Clearly, all of the transition **areas** refers to the number of areas, not the entire width of any given area. Thus, the Examiner's interpretation is in error, and is completely contrary to Koscitzky's teaching and purpose.

Moreover, if one wishes to fully understand the goal of Koscitzky, one should look to claim 1, which is the broadest claim for which protection has been sought in Koscitzky.

Claim 1, in column 8 line 11-16 states:

...each transition area also containing an intermediate portion between said border areas where granules from both said neighboring patches are present in substantial concentrations, said shingle having narrow slots between substantially all patches of granules...

And lines 19-23 go on to state:

said slots extending **within** said intermediate portions of said transition areas but said transition areas **being of greater width than said slots so that there is a portion of a transition area on each side of each slot...**(emphasis added).

Simply put, Koscitzky does not teach what the Examiner finds in Koscitzky. Rather, Koscitzky teaches away from what the claims of the application specifically require. The Examiner's interpretation of "all" of Koscitzky's various areas to mean all of any given transition areas of Koscitzky, is a misapplication of the teaching of Koscitzky. All of the areas relates to a number of areas; not to the entirety of any given area.

The rejection of claims 8 through 10 as being unpatentable over Koscitzky in view of the admitted prior art, under Section 103(a) is respectfully traversed as being outside the teaching of Koscitzky, for all of the reasons set forth above.

At the top of page 5, in response to applicant's arguments, the Examiner again misinterprets "all" to mean the entire width of any given area, whereas Koscitzky is referring to the number of transition areas, not the entire width of any given area. Koscitzky is simply stating that the slots 76 are located in each and every one of the

transition areas; nowhere does Koscitzky even suggest or desire that the entirety of any given transition area is embraced within a slot.

Reconsideration, withdrawal of the rejections based upon Koscitzky and allowance of all of the claims is respectfully solicited.

In any event, entry of these remarks into the record for purposes of Appeal, should the same become necessary, is respectfully solicited.